

RESPONSE

The Specification has been amended as suggested by Examiner, to place the priority statement at the top. Likewise, claim 9 has been amended to correct a misspelling and to clarify what “light” does in this context.

Claims 1 – 13 and 17 are pending. Claims 1, 2, 4, and 17 have been rejected under 35 USC 102(b) as anticipated by Clark (US 5445597). Claims 1-4, 10, 11, and 17 are rejected under USC 102(e) as anticipated by Zhu et al (“Zhu”; US 6589269). Claims 5, 6, and 8 are rejected under US 103(a) over Clark or Zhu in light of English et al (“English”; US 4,804,691). Claim 9 is rejected under 103(a) over Clark or Zhu in light of Owen et al (“Owen”, US 6211335). Claim 7 is rejected under 103(a) over Clark or Zhu in light of Ganster et al (“Ganster”; US 6191216). Claim 12 is rejected under 103(a) over Zhu alone. Claim 13 is objected to but held to be allowable if rewritten in independent form.

Claims 1, 2, 3, 7, 9 and 17 have been amended. New Claims 28 and 29 are added. Claim 13 is not presently amended, as it is believed to presently depend on an allowable claim. The rejections of claims 1-13 and 17 are respectfully traversed as applied to the claims as amended.

Claim 1 is amended to include the limitation that the adhesive is applied to the patch before the patch is inserted into the site of use. This is supported in several areas of the specification, for example in paragraphs 36 – 39 (p. 12 – 15), and in the description of the drawings in paragraphs 60 – 74 (p. 26 – 36). Since both Clark et al and Zhu et al apply adhesive after the porous material has been placed on the tissue site, and neither either describes or motivates pre-coating the prosthetic, it is believed that the rejection under sect. 102 is obviated, and that claim 1 as amended is allowable.

Amended claim 2 now refers to encapsulation of the adhesive, as described for example in at least paragraphs 36 – 40 (p. 12 – 16) of the specification. This is important to allow handling of the coated mesh. Claim 3 now reads on applying a pre-coated prosthetic patch through an endoscope, described for example at para. 39. Claim 17 now describes an adhesive-containing prosthetic with one side specialized to prevent tissue adhesions, described for example at para. 42 (p. 16). Claims 4 – 13 are unamended, or amended only to correct misspellings. It is believed that claims 2 – 13 and 17, being dependent on an allowable base claim, are likewise allowable. The objections under section 103 to the various types of adhesives (5,6,8 by the combination of Clark or Zhu with English; 9 by Clark or Zhu with Owen; 7 by Clark or Zhu with Ganster) are moot if the independent claim is not anticipated by Clark or Zhu. Likewise, the 103 rejection of claim 12 over Zhu alone is moot.

New claims 28 and 29 are derived from withdrawn device claim 18, and are well-supported in the specification, for example at paragraphs 43 – 47 (p. 16 – 19).

Applicants believe that surgical repair meshes pre-coated with adhesives, especially encapsulated adhesives, are novel and nonobvious. Passage of the claims to issue is respectfully requested.

Sincerely,

Francis H Kirkpatrick